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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,456	10/16/2003	Hideki Kawai	Q77945	5429

23373 7590 07/19/2007

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EXAMINER	
RIES, LAURIE ANNE	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
07/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/685,456	KAWAI ET AL.	
	Examiner	Art Unit	
	Laurie Ries	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-79* is/are pending in the application.

4a) Of the above claim(s) *6,8-10,33,34,42-44,48,50-52,75 and 76* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,11-32,35-37,45-47,49,53-60,62,65,72-74,78 and 79* is/are rejected.

7)☒ Claim(s) *38-41,61,63,64,66-69,71 and 77* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed 23 April 2007, to the Original Application, filed 16 October 2003.

2. The objection to the disclosure has been withdrawn as necessitated by amendment.

3. The objections to claims 13-14, 16-17, 21-22, 26-27, 35-40, 55, 57-58, 64, 67-70, and 77-79 have been withdrawn as necessitated by amendment.

4. Claims 1-5, 7, 11-32, 35-37, 45, 53-59, 72-74 and 78 remain rejected under 35 U.S.C. 101.

5. Claims 1-5, 7, 11, 12, 18, 20, 28, 36, 37, 45-47, 49, 53, 54, 60, 62, 65, 70, 78 and 79 remain rejected under 35 U.S.C. 102(b) as being anticipated by Bates et al., U.S. Patent Application Publication No. US 2002/0133514 A1 (hereinafter, "Bates").

6. Claims 14, 23 and 56 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, in view of Carswell et al., U.S. Patent Application Publication No. US 2002/0065720 A1 (hereinafter, Carswell).

7. Claims 1-5, 7, 11-32, 35-41, 45-47, 49, 53-74, and 77-79 are pending. Claims 6, 8-10, 33-34, 42-44, 48, 50-52, and 75-76 have been withdrawn. Claims 1, 3, 38, 45, and 46 are independent claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-5, 7, 11-32, 35-37, 45, 53-59, 72-74 and 78 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 2 and 36:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 1 recites an "*apparatus*" that detects links. The recited "*apparatus*" comprises only software modules and does not comprise any type of hardware. Thus, the recited invention is computer software *per se*.

A computer program is merely a set of instructions capable of being executed by a computer. The computer program itself is not a statutory process in that it does not include the computer-readable medium needed to realize the functionality of the computer program. Thus, as currently recited, Claim 1 is directed to an abstract idea that does not produce a concrete, useful and tangible result.

Claims 2 and 36 merely recite further functions of the previously recited software modules and do not recite any type of hardware. Thus, the recited invention of Claims 2 and 36 is also computer software *per se*.

Moreover, as currently recited, Claim 1 is directed to an abstract idea that does not produce a useful, concrete and tangible result because the recited subject matter fails to produce a result that is limited to having real-world value. In other words, the Claim 1 recites a result that is abstract in nature (*e.g.*, a thought, a computation or manipulated data).

Specifically, Claim 1 provides the abstract result of *detecting a link*. This produced result remains in the abstract and thus fails to achieve the required status of having real-world value.

Claims 2 and 36 further define the abstract result of *detecting a link*. However, the further defined results remain in the abstract and thus fail to achieve the required status of having real-world value.

Claims 3-5, 7, 11-32, 35 and 37:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 3 recites an "*apparatus*" that stores information and detects links. The recited "*apparatus*" comprises only software modules and does not comprise any type of hardware. Thus, the recited invention is computer software *per se*.

A computer program is merely a set of instructions capable of being executed by a computer. The computer program itself is not a statutory process in that it does not include the computer-readable medium needed to realize the functionality of the computer program. Thus, as currently recited, Claim 3 is directed to an abstract idea that does not produce a concrete, useful and tangible result.

Claims 4, 5, 7, 11-32, 35 and 37 merely recite further functions of the previously recited software modules and do not recite any type of hardware. Thus, the recited invention of Claims 4, 5, 7, 11-32, 35 and 37 is also computer software *per se*.

Moreover, as currently recited, Claim 3 is directed to an abstract idea that does not produce a useful, concrete and tangible result because the recited subject matter fails to produce a result that is limited to having real-world value. In other words, the

Claim 3 recites a result that is abstract in nature (*e.g.*, a thought, a computation or manipulated data).

Specifically, Claim 3 provides the abstract results of *storing information*, without previously performing any functions associated with the information, and *detecting a link*. This produced result remains in the abstract and thus fails to achieve the required status of having real-world value.

Claims 5, 11-32, 35 and 37 merely recite *detecting a link* by monitoring conditions, manipulating data and calculating scores. None of these functions performed by the software yield a tangible result because the functions stop short of a practical application.

Claims 45, 53-59, 72-74 and 78:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 45 is directed to an abstract idea that does not produce a useful, concrete and tangible result because the recited subject matter fails to produce a result that is limited to having real-world value. In other words, the Claim 45 recites a result that is abstract in nature (*e.g.*, a thought, a computation or manipulated data).

Specifically, Claim 45 provides the abstract results of *storing information*, without previously performing any functions associated with the information, and *detecting a link*. This produced result remains in the abstract and thus fails to achieve the required status of having real-world value.

Claims 53-59, 72-74 and 78 merely recite *detecting a link* by monitoring conditions, manipulating data and calculating scores. None of these functions performed by the software yield a tangible result because the functions stop short of a practical application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 7, 11, 12, 18, 20, 28, 36, 37, 45-47, 49, 53, 54, 60, 62, 65, 70, 78 and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Bates et al., U.S. Patent Application Publication No. US 2002/0133514 A1 (hereinafter, "Bates").

Claim 1:

Bates discloses *an apparatus for checking a link to a target hypertext database, said apparatus detecting a logically mismatched link to said hypertext database* (see Bates, Page 2, paragraph 0020, teaching storing hypertext data, and Page 2, paragraph 0023, teaching detecting a link mismatch).

Claim 2:

Bates discloses *the apparatus for checking the link as set forth in Claim 1, wherein said apparatus detects at least one of the following logically mismatched links:*

- *a link having a mismatch between the hyperlink appearing on a source web page and a target web page* (Bates, Page 4, paragraph 0034, teaching a link having a hyperlink that is not readily apparent to a user);
- *a link having a mismatch between the hyperlink appearing on the source web page and a target web page having expired content;*
- *a link having an inconsistent hyperlink appearing on multiple web pages;*
- *a link having a different method of presenting an associated target web page than other links on the same web page in the same website;*
- *a link having a hyperlink that is not readily apparent to a user; and*
- *a link that forms a loop with other links relating to a similar topic.*

Claim 3:

Bates discloses *an apparatus for checking a link, comprising:*

- *an information storing unit which stores information about links* (see Figures 1-5; see Paragraphs 0001-0053 and all claims on Pages 5-8 → Bates discloses this limitation in that the link verifying system stores information concerning URLs); *and*
- *a condition detecting unit which detects a logically mismatched link* (See Bates, Page 2, paragraph 0020 and paragraph 0023).

Claim 4:

Bates discloses *the apparatus for checking the link as set forth in Claim 3, further comprising an information collecting unit which collects information about the links, wherein said information storing unit stores said information about the links collected by said information collecting unit* (See Bates, Figure 2, element 106, and Page 2, paragraph 0025).

Claim 5:

Bates discloses *the apparatus for checking the link as set forth in Claim 3, further comprising a candidate providing unit which provides a correction candidate related to the logically mismatched link detected by said condition detecting unit* (See Bates, Figure 5).

Claim 7:

Bates discloses *the apparatus for checking the link as set forth in Claim 5, further comprising a correction reflecting unit which corrects the logically mismatched link* (see Bates, Figure 5, element 320).

Claim 11:

Bates discloses *the apparatus for checking the link as set forth in Claim 3, wherein said condition detecting unit divides said information about the links into groups in accordance with a predetermined condition and detects a subgroup of the groups that includes the logically mismatched link* (See Bates, Page 4, paragraphs 0039-0042 → Bates discloses these limitations in that the link verifying system stores metadata associated with URLs and uses the metadata to contextually verify the URLs. Also, the system allows the user to provide specific context terms and negative context terms that are used to contextually verify the URLs.).

Claim 12:

Bates discloses *the apparatus for checking the link as set forth in Claim 3, wherein said condition detecting unit detects a link having a mismatch between the link and a target web page* (See Bates, Figure 5, such as hyperlink target to webpage www.whitehouse.com).

Claim 18:

Bates discloses *the apparatus for checking the link as set forth in Claim 5, wherein said condition detecting unit divides said information about the links into groups including a major group and a minor group in accordance with a predetermined condition and detects said minor group as including the logically mismatched link* (See Bates, Page 4, paragraph 0039-0042 → Bates discloses these limitations in that the link verifying system stores metadata associated with URLs and uses the metadata to contextually verify the URLs. Also, the system allows the user to provide specific context terms and negative context terms that are used to contextually verify the URLs.).

Claim 20:

Bates discloses *the apparatus for checking the link as set forth in Claim 5, wherein said condition detecting unit detects a link having a mismatch between the link and a target web page* (See Bates, Figure 5, such as hyperlink target to webpage www.whitehouse.com).

Claim 28:

Bates discloses *the apparatus for checking the link as set forth in Claim 4, wherein said information collecting unit repeatedly collects said information about the links, and said information storing unit stores said information collected at different times* (See Bates, Figure 2, element 106, and Page 2, paragraph 0025 → Bates discloses these limitations in that the link verifying system collects metadata associated with

URLs and allows the user to provide specific context terms and negative context terms at various times and stores the information for later use in contextually verifying the URLs).

Claim 36:

Bates discloses *the apparatus for checking the link as set forth in Claim 1, having a link on a target website to be checked* (See Bates, Figure 5, such as hyperlink target to webpage www.whitehouse.com).

Claim 37:

Bates discloses *the apparatus for checking the link as set forth in Claim 3, having a link on a target website to be checked* (See Bates, Figure 5, such as hyperlink target to webpage www.whitehouse.com).

Claims 45 and 46:

The claims merely recite computer software for performing the same method performed by the "apparatus" of Claim 3. Thus, Bates discloses every limitation of Claims 45 and 46, as indicated in the above rejection for Claim 3.

Claims 47, 49, 53, 54, 60, 62, 65, 70, 78 and 79:

Claims 47, 49, 53, 54, 60, 62, 65, 70, 78 and 79 merely recite computer software for performing the same methods performed by the "apparatus" of Claims 5, 7, 11, 12,

18, 20, 23, 28, 36 and 37, respectively. Thus, Bates discloses every limitation of Claims 47, 49, 53, 54, 60, 62, 65, 70, 78 and 79, as indicated in the above rejections for Claims 5, 7, 11, 12, 18, 20, 23, 28, 36 and 37.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 14, 23 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, in view of Carswell et al., U.S. Patent Application Publication No. US 2002/0065720 A1 (hereinafter, Carswell).

Claim 14:

As indicated in the above rejection, Bates discloses every limitation of Claim 3.

Bates fails to expressly disclose:

- *detecting a link having a mismatch between the hypertext appearing on a source web page and a target web page* ***having expired content****.*

Carswell teaches an apparatus for checking a link, comprising:

- *a condition detecting unit [that] detects a link having a mismatch between the hypertext appearing on a source web page and a target web page having expired content* (see Page 7, Paragraphs 0098-0100 → Carswell teaches this limitation in that the online promotion system periodically contacts web servers to remove expired promotions data and replace it with new promotions data),

for the purpose of issuing online promotions such as coupons over public computer networks (see Page 1, Paragraph 0008).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus, disclosed in Bates, to include:

- *detecting a link having a mismatch between the hypertext appearing on a source web page and a target web page* ***having expired content,***

for the purpose of issuing online promotions such as coupons over public computer networks, as taught in Carswell.

Claim 23 and 56:

The claims correspond to the subject matter recited in Claim 14. Thus, Bates, in view of Carswell, discloses/teaches every limitation of Claims 23 and 56, and provides proper motivation, as indicated in the above rejection for Claim 14.

Allowable Subject Matter

11. Claims 38-41 are allowed.

The following is an examiner's statement of reasons for the indication of allowable subject matter:

Claim 38:

The prior art fails to disclose or suggest the combination of limitations recited in the claim.

Claims 39-41:

These claims are dependent upon Claim 38 and are thus allowable.

12. Claims 13, 15-17, 19, 21, 22, 24-27, 29-32, 35, 55, 57-59, 61, 63, 64, 66-69, 71-74 and 77 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, all objections to and rejections for the claims must be obviated before the claims are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 13, 15-17, 19, 21, 22, 24-27, 29-32, 35, 55, 57-59, 61, 63, 64, 66-69, 71-74 and 77:

The prior art fails to disclose or suggest the combination of limitations recited in the claims.

Response to Arguments

13. Applicant's arguments filed 23 April 2007 have been fully considered but they are not persuasive.

Regarding the rejection of claims 1-5, 7, 11-32, 45, 53-59, 72-74, and 78 under 35 U.S.C. 101, Applicant argues that claims 1-5, 7, 11-32, 45, 53-59, 72-74, and 78 are not directed to software per se, and therefore are statutory under 35 U.S.C. 101. T he Office respectfully disagrees. Claims 1-5, 7, 11-32, 45, 53-59, 72-74, and 78, as written, merely describe a set of instructions capable of being executed on a computer. The claim language fails to define any type of hardware that would serve to execute the program instructions. As such, claims 1-5, 7, 11-32, 45, 53-59, 72-74, and 78 are directed to non-statutory subject matter under 35 U.S.C. 101. One technique for

satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein that code produces a tangible result.

Regarding the rejection of claims 1-5, 7, 11, 12, 18, 20, 28, 36, 45-47, 49, 53, 54, 60, 62, 65, 70, 78, and 79 under 35 U.S.C. 102(b) as being anticipated by Bates, Applicant argues that the Examiner has not established a prima facie case for anticipation by citing which portions of the patent correspond to the claimed features. While Applicant is reminded that the entire reference cited must be considered when traversing a claim rejection, the citations for each claim limitation have been revised to more clearly articulate the teachings of the prior art as directed to the claim limitations.

Regarding the rejection of claims 14, 23, and 56 under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Carswell, Applicant argues that Carswell fails to teach detecting a link having a mismatch between the hypertext appearing on a source webpage and a target webpage having expired content. The Office respectfully disagrees. Carswell teaches an online promotion system that periodically contacts web servers to determine if promotional information has expired. In addition to new data and new promotion information (See Carswell, Page 7, paragraphs 0098-0100, specifically noting paragraph 0100, last line).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER